



Attorney Docket: 381NP/50284
PATENT

#2
P3 6/14/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: TAKAO KOJIMA ET AL.
Serial No.: 09/922,917 Group Art Unit: 3682
Filed: AUGUST 7, 2001 Examiner: CHONG HWA KIM
Title: PEDAL DEVICE FOR A VEHICLE AND AUTOMOBILE USING
THE SAME

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention:
Kenneth J. Dorner, Special
Programs Examiner
Patent Technology Center 3600

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Sir:

Applicants respectfully request reconsideration of the decision mailed on or about May 2, 2003, dismissing their petition to reset a period for reply.

Paper No. 6 states that a change of correspondence address was not filed until March 27, 2003. In fact, however, the facsimile filing on that date was of a change of correspondence address originally filed on August 7, 2002, a true copy of the postcard receipt being attached hereto (Tab #1).


We further note that page 2 of the Office Action in question (Tab #2) bears a "RECEIVED Dec. 23, 2002 GROUP 3600" stamp which apparently indicates that the Office Action may have been returned to Group 3600 and remailed from there to the wrong address following the filing of the change of correspondence address on August 7, 2002, as noted above.

In addition, the undersigned verifies that the attached is a true copy of the first page of the Office Action bearing a mailing date of December 2, 2002, and the reverse side of that page showing a receipt date of April 2, 2003 of the office of the undersigned. (Tab #3). The stamping of both the receipt date and a docketing date was done on the reverse side of the first page of the Office Action in accordance with standard procedure in the office of the undersigned.

Accordingly, resetting of the response date is appropriate in the interest of justice to the Applicants.

Respectfully submitted,

June 2, 2003



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CAM No. 056207.50284US

PATENT 30

Att'y Docket: 1748X/50274
Inventor(s): JACQUES HERZOG ET AL.
Serial No.: 09/922,914
Filing Date: AUGUST 7, 2001

Today's Date: August 7, 2002

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☒ Status Request
☒ Change of Correspondence Address

DUE DATE August 7, 2002

JFM/acd
37124.074



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Office Action Summary

Application No.

09/922,917

Examiner

Chong H. Kim

Applicant(s)

KOJIMA ET AL.

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-8 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,917	08/07/2001	Takao Kojima	<u>381NP/50284</u>	8475

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EXAMINER

KIM, CHONG HWA

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 12/02/2002

*Request Restart OA. Due
4/16/03*

Please find below and/or attached an Office communication concerning this application or proceeding.

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By _____

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